REMARKS

This paper is responsive to the Office Action dated June 4, 2007. The Title of the application has been amended to more clearly reflect the claimed subject matter of this divisional application. Claims 19 and 20 are pending in this application. New claims 21-28 have been added.

Claim 19 was rejected under 35 U.S.C. §102(b) as being anticipated by Pearson et al (USP 5,769,858). Claim 20 was rejected under 35 U.S.C. §103(a) as being unpatentable over Pearson et al. Applicant respectfully traverses these rejections.

Pearson is directed to a locking stylet for extracting an implantable lead or catheter. According to the Examiner, Pearson teaches an expandable distal portion, and a proximal portion having a compacted first configuration (Fig. 14) and a straight second configuration (Fig. 15) that is constrainable, since the second configuration is rotated/forced into the second configuration to expand the distal portion. In addition, the Examiner states that the second configuration is capable of having a medical device passed over it, since the limitations of the medical device have not been set forth and are of a relative size.

Claim 19 is the only independent claim in the application. Claim 19, as amended herein, is directed to a method of removing an implanted lead from a vessel in the body of a patient. A lead removal apparatus comprises an elongated proximal portion capable of having first and second configurations. The first configuration has a compacted, pre-formed shape being constrainable into the second configuration. The second configuration is sufficiently straight in shape to permit passage thereover by a sheath sized for insertion in the vessel and having a passageway extending therethrough. The first configuration has a diameter that exceeds a passageway diameter of the sheath. A distal portion of the apparatus

includes an expandable portion adapted to engage the implanted lead, and an actuator portion is adapted to expand the expandable portion to effect engaging of the implanted lead. The distal portion of the lead removal apparatus is introduced into the vessel, and thereafter inserted into the implanted lead. The actuator portion is activated such that the expandable portion expands and engages the implanted lead. The elongated proximal portion is grasped by the operator, and traction is applied to the proximal portion to retract the implanted lead from the body.

The portions of claim 19 added by amendment herein relating to the relative diameters of the first configuration and the passageway of the sheath are supported in the specification, e.g., at page 53, lines 2-6. The locking stylet disclosed in Pearson differs considerably from the lead removal apparatus of the present claims, and would not be suitable for use in the claimed method. For example, the lead removal apparatus of the claimed method is capable of having first and second configurations. The first configuration has a diameter that exceeds a passageway diameter of a sheath sized for insertion into the vessel. The second configuration is sufficiently straight in shape such that it permits passage thereover by the sheath sized for insertion in the vessel and having a passageway extending therethrough. The first and second configurations identified by the Examiner as taught in Pearson have the same diameter, differing mainly in length. As a result, the Pearson stylet does not include first and second configurations as claimed, and cannot anticipate amended claim 19.

Dependent claim 20 adds the limitation that the proximal portion is constrained into the second configuration by advancing the sheath over the elongated proximal portion. This limitation is supported in the specification, e.g., at page 53, lines 1-2. This step would not be possible with the Pearson stylet, since the diameter of the first and second configurations (as identified by the Examiner) are the same. It would not be possible to advance a sheath sized for insertion in a

vessel over the proximal portion of Pearson, as the sheath would have to be of such a large diameter that it would not be suitable for insertion into a vessel.

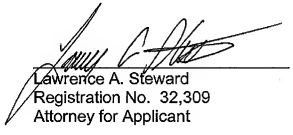
New claims 21-28 depend, directly or indirectly, from independent claim 19, and therefore include all of its limitations. Accordingly, these claims are allowable for at least the same reasons that claim 19 is allowable.

In addition to the foregoing, new claim 21 includes the limitation that the elongated proximal portion is adapted to at least substantially reassume the first configuration once the proximal portion is no longer being constrained into the second configuration. This limitation is supported in the specification, e.g., at page 53, lines 14-17. New claim 22 includes the limitation that the first configuration of said elongated proximal portion comprises a plurality of coiled loops. This limitation is supported in the specification, e.g., at page 52, line 16. New claim 23 includes the limitation that the elongated proximal portion has a length of about 30 cm or greater. This limitation is supported in the specification, e.g., at page 48, line 15. New claim 24 includes the limitation that the elongated proximal portion comprises a length of intertwined wire. This limitation is supported in the specification, e.g., at page 52, lines 14-16. New claim 25 includes the limitation that the expandable portion comprises a plurality of helically wound wires. This limitation is supported in the specification, e.g., at page 43, lines 21-24. New claim 26 includes the limitation that the proximal portion in the first configuration includes a plurality of coiled loops having a shape memory. This limitation is supported in the specification, e.g., at page 53, lines 25-27. New claim 27 includes the limitation that the elongated proximal portion is adapted to at least substantially reassume the first configuration once the proximal portion is no longer being constrained into the second configuration. This limitation is supported in the specification, e.g., at page 53, lines 14-17. New claim 28 includes the limitation that the actuator portion comprises an elongated cannula slidably disposed over said proximal portion. This limitation is

supported in the specification, e.g., at page 42, lines 28-29. None of the limitations of claims 21-28 is taught or suggested in Pearson.

Based upon the foregoing, Applicant respectfully submits that all claims 19-28 are in condition for allowance. If the Examiner believes that any issues remain for resolution that may be addressed by telephone, the Examiner is requested to telephone the undersigned attorney.

Respectfully submitted,



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